

## Subpart B—Rights-of-Way General Regulations

### § 29.21 Definitions.

(a) *Secretary* means Secretary of the Interior or his authorized representatives acting under delegated authority.

(b) *Service* means U.S. Fish and Wildlife Service.

(c) *Regional director* means the regional director for one of the Service's seven regions.

(d) *Project Manager* means the officer in charge of the land under administration by the U.S. Fish and Wildlife Service.

(e) *National Wildlife Refuge System land* means lands and waters, or interests therein, administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas.

(f) *Other lands* means all other lands, or interests therein, and waters administered by the Secretary through the U.S. Fish and Wildlife Service which are not included in National Wildlife Refuge System lands, e.g., administrative sites, research stations, fish hatcheries, and fishery research stations.

(g) *Compatible* means that the requested right-of-way or use will not interfere with or detract from the purposes for which units of the National Wildlife Refuge System are established. The term “inconsistent” in section 28(b)(1) of the Mineral Leasing Act of 1920, as amended by Pub. L. 93–153, shall be deemed to mean a use that is *not compatible*, as *compatible* is defined herein.

(h) *Department* means U.S. Department of the Interior unless otherwise specified.

[34 FR 19907, Dec. 19, 1969, as amended at 39 FR 5490, Feb. 13, 1974; 42 FR 43917, Aug. 31, 1977; 44 FR 42976, July 23, 1979; 48 FR 31655, July 11, 1983; 51 FR 7575, Mar. 5, 1986]

#### § 29.21–1 Purpose and scope.

The regulations in this subpart prescribe the procedures for filing applications and the terms and conditions under which rights-of-way over and across the lands administered by the

U.S. Fish and Wildlife Service may be granted.

(a) *National Wildlife Refuge System lands*. Applications for all forms of rights-of-way on or over such lands shall be submitted under authority of Pub. L. 89–669, (80 Stat. 926; 16 U.S.C. 668dd) as amended, or for oil and gas pipelines under section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185) as amended by Pub. L. 93–153, following application procedures set out in § 29.21–2. No right-of-way will be approved unless it is determined by the Regional Director to be compatible. See § 29.21–8 for additional requirements applicable to rights-of-way for electric power transmission lines and § 29.21–9 for additional requirements applicable to rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

(b) *National Wildlife Refuge System lands—easement interest*. Applications for all forms of rights-of-way across lands in which the United States owns only an easement interest may be submitted to the Regional Director in letter form. No map exhibit is required, however, the affected land should be described in the letter or shown on a map sketch. If the requested right-of-way will not adversely affect the United States' interest, the Regional Director may issue a letter stating that the interest of the United States to the right-of-way easement would not be affected provided there would be no objection to a right-of-way by the fee owner. If the interest of the United States will be affected, application for the right-of-way must be submitted in accordance with procedures set out in § 29.21–2.

(c) *Other lands outside the National Wildlife Refuge System*. Rights-of-way on or over other lands will be granted in accordance with controlling authorities cited in 43 CFR part 2800, or for oil and gas pipelines under section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185) as amended by Pub. L. 93–153. See § 29.21–8 for additional requirements applicable to rights-of-way for electric power transmission lines and § 29.21–9 for additional requirements applicable to